

REMARKS

Reconsideration of the pending application is respectfully requested on the basis of the following particulars.

1. Interview of July 7, 2006

The applicant appreciates the opportunity extended by the examiner to the applicant's representative to conduct a personal interview on July 7, 2006.

During the interview, various features of the wound dressing according to the pending claims were discussed at length and demonstrated with a sample of a wound dressing having the features required by the pending claims.

A proposed amendment to the claims was submitted which specifies that the compliant element is disassociated and freely extends from the distal "planar" surface of the absorbent core, and that the periphery of the compliant element is inwardly spaced from the peripheral edges of the absorbent core. This proposed amendment was shown as being patentably distinct from the arrangement shown in U.S. patent 6,107,536 (*Dadinis*).

2. In the claims

In the amendment to the claims, claim 1 is amended to recite that the distal surface of the absorbent core (that surface forming the backside of the dressing) is generally planar, and that the compliant element is disassociated and freely extends away from the distal planar surface of the absorbent core. Moreover, the periphery of the compliant element is specifically defined as being inwardly spaced from the peripheral edges of the absorbent core.

New claims 20 and 21 recite similar features as recited in claim 1.

Support for the amendment to claims 1, 20 and 21 is found in the drawings in Figs. 1-3, and in corresponding sections in the specification.

It is respectfully submitted that no new matter is introduced into the application by way of this amendment to the claims. Entry and consideration of the amendment to the claims is respectfully requested.

3. Rejection of claims 1-4, 7, 13 and 18 under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent 4,733,659 (*Edenbaum*) in view of U.S. patent 6,107,536 (*Dadinis*)

This rejection is respectfully traversed in view of the aforementioned amendment to the pending independent claim 1, and new claims 20 and 21.

In the rejection, *Edenbaum* is used as an example of the prior to show that it is known to provide a wound dressing having an absorbent core, a backing layer, and a skin facing layer. The action clearly acknowledges that *Edenbaum* fails to disclose or even suggest a backing layer having a compliant element of the type recited in the pending claims.

Dadinis is provided as a prior art teaching of a compliant element formed from the backing layer. These remarks are directed to pointing out how *Dadinis* does not disclose or suggest the compliant element recited in the amended claims. As such, since *Dadinis* does not describe the compliant element of the amended claims, the proposed combination of *Edenbaum* and *Dadinis* would not motivate one skilled in the art of wound dressings to make the wound dressing of the amended claims.

Turning specifically to *Dadinis*, it is readily apparent that *Dadinis* does not disclose or suggest a compliant element that extends freely from a distal planar surface of an absorbent core. Instead, in observing Fig. 2, *Dadinis* teaches that all of the layers have pleats (4), including top elastic mesh layer (5), non-stick material layer (8), hard plastic layer (6), and gauze layer (7). As explained by *Dadinis*, all of the layers have pleats in the center in order to allow for stretching when the bandage is placed on a joint without disturbing the wound (col. 2, lines 10-12).

Amended claim 1 and new claims 20 and 21, specifically require that the compliant element is disassociated and extends freely from a distal surface of the absorbent core. Since the compliant element is described as being disassociated from the distal surface of the absorbent core, one skilled in the art would not be motivated by *Dadinis* to provide such a construction since the pleats are continued through the entirety of the width of the wound dressing according to *Dadinis*. There is no support in *Dadinis* of the top layer (5) of being disassociated and extending freely from the hard plastic shell (6) of the second layer.

Dadinis also does not teach a compliant element having a periphery that is inwardly spaced from the peripheral edges of the absorbent core. Instead, it is clear from *Dadinis* that the gauze layer (7) is provided along the same pleat as layers (5) and (6) (col. 2, lines 10-12). Thus, one skilled in the art would not be motivated by *Dadinis* to position a compliant element on a wound dressing in the manner required by claim 1.

Regarding new claim 20, this new claim defines the compliant layer as dividing the border and central portions such that the central portion is spaced inwardly from the border portion. Essentially, the compliant element is an intermediate element, as originally recited in claim 2. On the contrary, in *Dadinis*, the pleat extends across the entirety of the central portion of the wound dressing.

Lastly, turning to new claim 21, the compliant element is defined as having a profile that corresponds to the periphery of the absorbent core and is inwardly spaced therefrom. As described above, such is clearly not the case with the pleats of *Dadinis*, as evidenced by Fig. 2.

In view of these observations, in combination with the demonstration provided during the interview, it is submitted that the proposed combination of *Edenbaum* and *Dadinis* does not render the pending claims *prima facie* obvious since the proposed combination falls short of teaching every feature required by the pending claims. Accordingly, withdrawal of this rejection is respectfully requested.

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4. Conclusion

As a result of the amendment to the claims, and further in view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is respectfully requested that every pending claim in the present application be allowed and the application be passed to issue.

If any issues remain that may be resolved by a telephone or facsimile communication with the applicants' attorney, the examiner is invited to contact the undersigned at the numbers shown below.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Justin J. Cassell", written in a cursive style.

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